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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,839	10/12/2006	Myung-Kwan Kim	52386	3337

1609 7590 12/08/2009

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EXAMINER	
CHAN, ALLEN	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
12/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/591,839	KIM ET AL.	
	Examiner	Art Unit	
	ALLEN CHAN	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/5/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 5 and 9, it is unclear what the applicant means with the phrase "providing support". It is unclear if this phrase should be regarded as something similar to customer service. The specification seems to imply that this is a software based process that determines the odds, payouts, etc. but does not provide a clear definition of what "providing support" actually means.

Regarding claim 8, it is unclear what the applicant means with the phrase "application receipt step". There is no clear definition in the specification as to what occurs in this step. In addition, nowhere in claims 5 or 6 is an "application" claimed. Thus, it is unclear how there can be an "application receipt step" if there is no application being claimed.

Claim 8 recites the limitation "the application receipt step" in the 6th line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-4, 6, 7 and 10 are rejected for incorporating the above errors from their respective parent claims by dependency.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides (US 5,575,474) in view of Mindes (US 5,573,244).

Regarding claims 1 and 5, Rossides discloses a method for a result prediction game service using a communication network, comprising an authentication step of authenticating customers who gain access (see col. 7, lines 10-44), an application/betting support step of providing support so that customers authenticated at the authentication step can make predictions of the result of a certain event and apply to purchase media (or make bets), which can each be redeemed for a certain amount when the predictions of the result of the certain event are correct, at amounts

determined by the customers (see col. 8, line 60 through col. 9, line 17), a result receipt step of receiving the result of the certain event (see col. 12, lines 24-38), and a payout step of paying an amount to each of the customers who correctly predicted the result of the certain event, according to the result received at the result receipt step (see col. 12, lines 24-38). However, Rossides does not explicitly disclose subtracting a fee from the payout amount. Mindes discloses subtracting a fee/commission from the payout amount (see col. 1, lines 15-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for a result prediction game service of Rossides to subtract a fee from the winner's payout amount as disclosed by Mindes in order for the house/casino to make a profit from brokering the transactions (see Mindes, col. 1, lines 15-27).

Regarding claims 2 and 6, Rossides discloses a trade/bet establishment step of establishing a trade of media/bet between a specific customer and another specific customer when a plurality of customers applies to purchase the media at the application/betting support step, the specific customer's prediction of the result and the other specific customer's prediction of the result are different from each other, and a purchase condition set by the specific customer and purchase condition set by the other specific customer fulfill preset conditions (see col. 9, line 39 through col. 10, line 22).

Regarding claims 3 and 7, Mindes discloses that the trade/bet establishment step is performed in such a way as to establish a trade of media/bet between the specific customer and the other specific customer when a sum of the specific customer's unit

purchase price and the other specific customer's unit purchase price is the certain amount or payout (see col. 9, lines 25-35)

Regarding claims 4 and 10, Mindes discloses that the house/casino deducts a fee/commission as discussed above. It would be a matter of design choice on how high or low this fee would be.

Regarding claim 8, Rossides discloses providing support so that the customers authenticated at the authentication step determine payout by predicting the result of the certain event and determining payouts by return rates and the betting amounts (see col. 9, lines 5-27). Mindes discloses a cross betting relationship according to a certain payout rate (see col. 14, lines 39-45).

Regarding claim 9, Mindes discloses a step of providing support so that each of the customers applying to make bets can select at least one from among at least two return rates and input the return rate and a sep of providing support so as to input betting amounts by making bets based on the selected return rate (see col. 8, lines 39-57 and col. 14, lines 39-45).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krynicky (US 2004/0048656 A1) discloses a system and method for pari-mutuel wagering on sporting events.

Idaka (US 6,659,874 B2) discloses a method of performing a game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLEN CHAN whose telephone number is (571)270-5529. The examiner can normally be reached on Monday through Thursday 9:00 AM to 7:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALLEN CHAN/
Examiner, Art Unit 3714
12/4/2009

/John M Hotaling II/
Primary Examiner, Art Unit 3714